

REMARKS

Claims 1-53 were originally presented in the subject application. Claim 54 was added in a response dated June 30, 2004. No claims have herein been amended, added or canceled. Therefore, claims 1-54 remain in this case.

The addition of new matter has been scrupulously avoided.

Applicant respectfully requests reconsideration and withdrawal of the grounds of rejection.

35 U.S.C. §102 Rejection

The Office Action rejected claims 1, 2, 5-7, 14-18, 20, 21, 24, 25, 32-38, 41, 42 and 49-54 under 35 U.S.C. §102(e), as allegedly anticipated by Ellenby et al. (U.S. Patent No. 6,307,556). Applicant respectfully, but most strenuously, traverses this rejection.

The core disagreement continues to be the meaning of the term “digital elevation model.” In regards to that term, the Office Action alleges:

The term “digital elevation model”, referred to in claim 1, is read by the examiner with the broadest reasonable interpretation. Merriam Webster defines model as “a miniature representation of something.” In the present situation, the image displayed of the mountain in Figure 9 is a miniature representation of the mountain.

The vision system present in Ellenby operates in the digital domain (Column 2, Lines 22-24; Column 6, Lines 35-51).

Therefore, the model in Figure 9 of the mountain clearly represents a digital elevation model.

However, Applicant submits the above ignores the amendment made in Applicant’s last Response to the independent claims, reciting “wherein the digital elevation model comprises data for creating a three-dimensional perspective model of the scene in two dimensions.” Moreover, it ignores that a “digital elevation model” has meaning in the art, and meaning to one of ordinary skill in the art. Attached hereto is a hard copy printout from the U.S. Geological Survey (USGS) describing their digital elevation models. Also attached are USGS real-world visual examples,

and an excerpt from a text by Longley et al., entitled “Geographic Information Systems and Science,” Wiley, pp. 288-291 (2001). It is clear from these materials that one skilled in the art expects to see certain things from a digital elevation model, for example, an array of regularly spaced elevation values, typically referenced in particular ways. This is in keeping with the wherein clause added by Applicant. Applicant submits that one skilled in the art would simply not mistake a single elevation value in a different format and referenced in a different fashion (i.e., FIG. 9 of Ellenby) to be a digital elevation model. The meaning being ascribed to “digital elevation model” in the Office Action quote above is not in keeping with the meaning given in the art.

Thus, Applicant submits that Ellenby’s FIG. 9 does not read on the claimed “digital elevation model.”

All of the independent claims also recite, in some fashion, registering the digital image of the scene with the digital elevation model of the scene. Since Ellenby et al. fails to disclose a digital elevation model as claimed, Applicant submits Ellenby et al. cannot disclose, teach or suggest registering the same with anything, let alone a digital image of the scene.

As yet another example, all of the independent claims recite, in some fashion, providing the registered digital image over a communications network. The final Office Action essentially alleges that Ellenby et al. must suggest image exchange over a communications network; otherwise, image composition using elements from multiple vision systems could not take place. However, Applicant respectfully points out that image data could easily be transported manually via removable storage media, for example. A communications network is not required, nor is one disclosed in Ellenby et al. that is used for image exchange. The final Office Action unduly reads this aspect into Ellenby et al.

Ellenby et al. actually discloses sending information about the scene (versus the scene itself) from one vision system to another. This is an important distinction that cannot be ignored. For example, Ellenby et al. discloses sending information about a duck in one view so that textual information about the duck siting can be added to the view of the other system. Nowhere does Ellenby et al. disclose, teach or suggest sending an image from one vision system to another, only information about the scene for overlaying on the scene in another vision system.

Moreover, on an even more basic level, since Ellenby et al. fails to disclose, teach or suggest registering a digital image with the claimed digital elevation model, Applicant submits it cannot disclose, teach or suggest doing anything with the registered digital image resulting therefrom, let alone specifically sending it over a communications network.

Similarly, since Ellenby et al. does not disclose, teach or suggest registering a digital image with the claimed digital elevation model, Applicant submits Ellenby et al. also cannot disclose, teach or suggest augmenting the registered digital image in any way, let alone the augmenting that is specifically claimed.

Since Ellenby et al. fails to disclose, teach or suggest multiple limitations of the independent claims, Applicant submits none of the independent claims can be anticipated by or made obvious thereover.

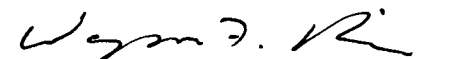
#### CONCLUSION

Applicants submit that the dependent claims are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For all the above reasons, Applicant maintains that the claims of the subject application define patentable subject matter and earnestly requests allowance of claims 1-54.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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